

May 9, 2016

Work Session

6:00 PM

Present: Supervisor S. Broderick; Councilmembers A. Bax, B. Ceretto, W. Geiben & R. Morreale; Dep. Sup. W. Conrad; Eng. B. Lannon; Attorneys B. Seaman & J. Catalano; Bldg. Insp. T. Masters; Finance Director/Budget Officer M. Blazick; Water Foreman M. Townsend; WPCC Ch. Op. J. Ritter; Fire Inspector P. Martin; 2 Press; 9 Residents and Dep. Clerk C. Schroeder

The Supervisor called the Work Session to order, followed by the Pledge of Allegiance and a moment of silent reflection.

AGENDA:

Additions: Seaman: Proposed Settlement Agreement with Teamsters concerning a filed grievance & Executive Session for the purpose of Consultation with Attorneys; Bax: Resolution re CWM Expansion Application; Geiben: Specific topics for Work Sessions; Broderick: Highway Supt. position

Geiben MOVED to approve the agenda, as amended. Seconded by Broderick and carried 5-0.

ABSTRACT:

Ceretto MOVED to approve the Regular Abstract of Claims Numbered 1154 to 1322 and recommend payment in the amount of \$1,054,807.61, plus a post audit of \$976.93. Seconded by Geiben and carried 5-0.

DEPARTMENT HEAD CONCERNS:

Engineer: Lannon said they have proposed updates to the Subdivision Regulations. He suggested they be distributed to the Town Clerk, Planning Board, Building Inspector and Town Attorneys for review and comment. He would assemble those comments and bring a set to the Town Board for consideration in the not too distant future.

The Engineer said he would work with Jeff Ritter on the Lower River Road Comfort Station to put in sewer service in to that facility.

The water line at Legacy Drive is in. It has been tested for pressure. Chlorination and bacteriological testing will be done this week.

Some minor restoration is scheduled to be done this week at Lauren Court.

Geiben asked the Engineer to explain how erosion control inspections take place on subdivisions. Lannon said a developer would come in and apply for review and approval of a Storm Water Management Plan. The developer's engineer would go out on a bi-weekly basis and conduct those inspections. If over five (5) acres, it is done twice a week. During the course of that time, the Town provides periodic inspections. Reports are placed in a mailbox that is typically set up on site. Reports are electronically distributed to the Town Engineer, Jeff Ritter, contractor and DEC. If something is not done according to code, the developer is notified and is given a period of time to correct it or respond to the matter.

Finance: Blazick said she had three issues for the Board's attention.

- 1) The first issue was a request for a blanket permission to adjust the chart of accounts to be in compliance with the Office of the New York Controller's Accounting and Reporting Manual. Historically, the Town has not been recording expenses to the correct accounts. Blazick said she could not change things in the past but she wants to make sure they are charging the correct accounts from 1/1/2016 moving forward. This is not anything that will increase costs or authorizes expenditures.

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Bax MOVED to authorize the Finance Director to bring the chart of accounts into compliance with the State Controller's Accounting and Reporting Manual. Seconded by Geiben and carried 5-0.

The Supervisor commended the Finance Director on the great job she is doing.

- 2) Secondly, Blazick noted that Key Bank is purchasing First Niagara Bank. Last week, a representative at First Niagara said the local branch is slated to be taken over by Northwest Savings Bank. That sale will probably take place in September. The actual takeover of First Niagara will take place in October. As a result, there would be one month where the Town would not have a local branch to make deposits. In the interim, there is a branch in Youngstown where deposits can be made.

Blazick noted that in the conversion, it is rumored that Key Bank is going to set up a specific government group to handle New York's municipal accounts. The only other alternative would be M & T Bank, but they do not have a local branch.

- 3) Lastly, Blazick spoke about the Town's computer system. She said there are four (4) component parts that go in to how the computer system functions: Data input; software; technical support; and server/hardware. What she is finding is the computer system is down a lot. The computer system was down all day Thursday and most of Friday. Blazick said she would recommended replacing the server. Based on a recent quote, she estimated \$11,000 for replacement. This is just not meeting the Town's current needs but would provide for virtual servers which allows for a lot of expansion. This is something we absolutely need to do, she said. The server is being over-worked.

The other thing that has come to her attention is that there are two computers in the Town Clerk's office that are still running on the XP operating system and are no longer being supported by Microsoft. They are not getting security updates. Both of those are on the internet which allows a tunnel of access into the system very easily. If we have to replace the server you should replace those two computers at the same time. They are basically \$1,000 each. There is \$13,000 worth of work that needs to be done, immediately. This is a critical issue for us. We are losing productivity constantly.

Geiben asked how this would be funded. Blazick said they have the H99 Fund which is the money from the original NYPA settlement. There is \$133,000 in that account.

Broderick MOVED to authorize the Finance Director to obtain two additional quotes for discussion at the next meeting. Seconded by Geiben and carried 5-0.

KYMEL'S DOG WASH: Geiben said the Board received a request from Mark Thomas for a dog wash at the Dog Park. Geiben said Mr. Thomas received erroneous information as the Dog Park is 100% in the Village of Lewiston. It's up to Mr. Thomas to work with the Village in regards to this.

RE-ZONING: A-1 LAND CARE, RIDGE ROAD:

The Board received a request from Jason Lombardi for re-zoning of properties on Ridge Road:

- * For the following SBL# 102.02-2-53 and 102.02-2-54 from RR to R2, which would be consistent with the Master Plan.
- * For the following SBL# 102.02-2-55 to be re-zoned General Business to be consistent with adjacent property, which would be consistent with the Master Plan.

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Geiben MOVED to refer this request to the Planning Board for consideration. Seconded by Bax and carried 5-0.

POLICY CONCERNING RECORDS AVAILABILITY:

Seaman said he was asked to look at this matter several weeks ago; specifically the Public Officers Law section 103(e) which requires the Town to make certain records available at or before public meetings and on the Town's web site, to the extent practicable. Seaman said he drafted the following Policy for review and/or amendment. The Clerk was asked to post the proposed resolution on the web-site for public comment.

POLICY CONCERNING RECORDS AVAILABILITY

- 1) Prior to public meetings of the Lewiston Town Board, Lewiston Planning Board, and Lewiston Zoning Board of Appeals, the Town Clerk shall cause the following records to be posted on the Town's web site along with and at the same time that the agenda for such meeting is posted:
 - a) Any proposed resolution, local law, rule, policy, or amendment thereto which has been drafted prior to the meeting and which appears on the agenda for such meeting.
 - b) For Planning and Zoning matters appearing on the agenda, the face sheet which discloses the applicant, location of property involved, and nature of the request being considered.
 - c) For contracts or agreement the approval of which appears on the agenda, the proposed contract or agreement.

The Town Clerk shall post such of the above records that are in hand at the time the agenda is posted, but shall not be obligated to post additional records that are received after such posting. Such additional matters shall, however, be made available at the public meeting.

- 2) The following records shall be made available prior to a public meeting at which they are to be discussed with the necessity of filing a Freedom of Information Law ("FOIL") request (copying fees shall apply):
 - a) For Planning and Zoning matters, the applicant's complete application, including maps, plans, etc.
 - b) For the proposed letting of contracts following advertisement for bids or requests for proposals, the bid documents and proposals submitted by bidders.
- 3) The above matters shall be in addition to, and not in place of, records available pursuant to law by filing a FOIL request.

Bax MOVED to post the resolution on the town's web site and table its adoption until the next Board Meeting. Seconded by Geiben and carried 5-0.

WATER LINE REPLACEMENT:

Lannon said he has developed construction cost estimates for the nine (9) locations identified by the Water Department Foreman. Lannon said he would review these with the Foreman on Wednesday and report back to the Town Board.

Lannon said there is a NYS Environmental Facilities Water Grant just announced. We can take a look at that, although it would be highly competitive. June 15th is the deadline for the application this year, Broderick said. Let's get our ducks in a row for next year.

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BEREAVEMENT LEAVE POLICY:

Atty. Catalano said he was asked to look at the policy weeks ago. He sent around a proposed draft of the policy with highlighted, italicized wording of what is added. If there are additional items that people want included, he is opened to suggestions.

Speaking to the Finance Director, he said there was something else that needed to be addressed. He would speak to her on that.

SANBORN FIRE COMPANY ROSTER:

Broderick MOVED to remove the following names from the Sanborn Fire Company active roster: Anthony Antonucci, Daniel Coleman, Nathan Daigler, Stephen Lands, Tim LeTourneau, Nicole Mallone, Alusha Price, David Slusser Jr., and Trevor Wendt. Seconded by Bax and carried 5-0.

MOSQUITO SPRAYING:

Geiben spoke to the Asst. Engineer, John Sharpe who has been talking with the County Health Department. The NCHD is at a “wait and see” situation. Should the County react or respond, Mr. Sharpe will come back with a recommendation for us.

CONEY SUBDIVISION:

The Planning Board, on April 21, 2016, approved a request from Carmen Coney for a one-lot subdivision on property located at 2027 Langdon Road, SBL# 75.00-2.42.1, as presented.

Morreale MOVED a negative declaration, as recommended by the Town Environmental Commission. Seconded by Geiben and carried 5-0.

Morreale MOVED to approve the Coney one-lot subdivision, as presented. Seconded by Geiben and carried 5-0.

BURNETT SUBDIVISION:

The Planning Board, on April 21, 2016, approved a request from Douglas Burnett for a one-lot subdivision on property located at 2334 Ridge Road, SBL# 90.00-2-13.2, as presented.

Morreale MOVED a negative declaration, as recommended by the Town Environmental Commission. Seconded by Geiben and carried 5-0.

Morreale MOVED to approve the Burnett one-lot subdivision, as presented. Seconded by Bax and carried 5-0.

HASELEY SUBDIVISION:

The Planning Board, on April 21, 2016, approved a request from Paul Haseley for a one-lot subdivision on property located at 5873 Walmore Road, SBL# 118.00-1-48.1, as presented.

Morreale MOVED a negative declaration, as recommended by the Town Environmental Commission. Seconded by Bax and carried 5-0.

Morreale MOVED to approve the Haseley one-lot subdivision, as presented. Seconded by Geiben and carried 5-0.

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RIVERWALK PRELIMINARY PLAT, PHASE 4A:

The Planning Board on April 21, 2016, approved a Preliminary Plat request for GMD Development & Samuel Talarico for Riverwalk, Phase 4A, as submitted. Lots 9-12 received variances from the Zoning Board of Appeals. The drainage easement for lots

4-8 will be moved to the north. A driveway carriage light is to be installed on each lot to stay in conformance with the existing neighborhood.

Lannon provided some back ground information regarding SEQ. In 2005, the Town Board approved all of the phases for Riverwalk. The preliminary plat was approved and a negative declaration was approved for the entire subdivision. The Town Board has a new Phase 4 before them for consideration. Included in that is the elimination of Phase 4B and a slight revision to Phase 4A. Those two actions have a net reduction of ten (10) homes to what is contemplated now. A negative declaration was issued 11 years ago. There is now less impact. In a letter sent to the Environmental Commission and copied to the Town Board, it is stated that the findings of the prior Town Board 11 years ago are consistent with what the current Phase 4A recommendation is. In my mind, it's not issuance of another negative declaration. It's a re-affirmation of what was done 11 years ago.

Geiben MOVED to re-affirm confirmation of a Negative Declaration of Phase 4A, Riverwalk Subdivision. Seconded by Morreale and carried 5-0.

Morreale MOVED for approval of the Preliminary Plat for Riverwalk, Phase 4A, as presented. Seconded by Ceretto and carried 5-0.

ESCARPMENT/RIVER BANK COMMITTEE:

Atty. Catalano said he met with the Environmental Commission regarding the two ad hoc committees. The Commission wants the committees to report and work under them. The Commission would share any recommendations to the Town Board after review.

Catalano said he had a discussion with Atty. Seaman about what they thought should be done. What the Environmental Commission wants done and what should be done are two entirely different things. They have no authority under their guidelines to have the committees work under them. Catalano said he would create a resolution where the Town Board creates the two ad hoc committees. The committees would report to the Town Board. It's much easier legally if we have the Town Board take care of it. That is the way I would draft the next resolution. That will be ready for approval at the next meeting.

APPOINT ALTERNATE TO ZBA:

Broderick MOVED to appoint Gary Heuck as alternate to the Zoning Board of Appeals. Seconded by Geiben and carried 5-0.

Masters said there should be a better handle on what the Town expects from Planning and Zoning members as part of their required four (4) hours of training. He asked the Board to clarify what they are looking for.

OPEN FLOOR FOR CITIZENS COMMENTS:

The Supervisor read the following procedure for public participation:

To create a procedure where all citizens can be heard, the Lewiston Town Board hereby institutes the "Privilege of the Floor" comment period, which will allow participation at each regular town board meeting.

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- 1) Length of time that a member of the public may speak can be limited. Depending on the number of speakers, we limit the time frame to 3-5 minutes per person.
- 2) Sign in with your name and address if you wish to speak.
- 3) When your name is called, stand and proceed to the microphone, your time will start once you start your comments.
- 4) The Town Board has been advised by counsel not to respond to the comments or questions. Instead they listen and if appropriate move to add the item in question to the next work session. This allows Town Board members to do research to gather the necessary information to address those questions or concerns if they choose to do so.
- 5) The Town Supervisor is the designated timekeeper and sees to it that civility and orderly conduct is maintained during the public comment period.

Broderick MOVED to enact the Privilege of the Floor procedures. Seconded by Bax and carried 5-0.

CWM EXPANSION:

Bax asked the Town Board to go on the record as to its position with respect the CWM Expansion. He read the following resolution:

WHEREAS, there are applications pending to site a commercial hazardous waste treatment, storage and disposal facility in the Towns of Lewiston and Porter in close proximity to schools and residences;

AND WHEREAS, the designated transportation route for the proposed facility is predominately located in the Town of Lewiston where hazardous waste and PCB truckloads would be required to pass in front of the local hospital, numerous residences, and all Lewiston-Porter public schools;

AND WHEREAS, the adopted New York State Hazardous Waste Facility Siting Plan concluded, **“There is no need for additional hazardous waste management facilities or expanded hazardous waste management capacity in New York;”**

AND WHEREAS, commercial hazardous waste treatment, storage and disposal facilities pose risks to public health together with adverse economic effects;

AND WHEREAS, the Towns of Lewiston and Porter as well as Niagara County already bear a disproportionate burden of hazardous waste permanently landfilled in the state;

AND WHEREAS, the Town of Lewiston is primarily responsible for promoting the health, safety and general welfare of its residents, (Town Code Section 195-2).

BE IT RESOLVED, that the Town of Lewiston continues to oppose the permitting, siting or operation of commercial hazardous waste treatment, storage and disposal facilities in Niagara County.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Village of Lewiston, the Village of Youngstown, Niagara County Legislators Clyde Burmaster and Rebecca Wydysh, State Sen. Robert Ort, Assemblyman John Ceretto and Governor Andrew Cuomo

Bax MOVED the forgoing resolution for adoption, Seconded by Ceretto, for discussion.

Geiben asked how this is different from previous resolutions. Bax said it is different in that it addresses both storage and treatment on the facility which the prior entity contemplated.

Geiben then asked how often the Town Board has done this resolution. Bax said it is done whenever there is a change of the Town Board, at least in the last ten years.

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Geiben asked that it be amended to include sending a copy to the Town of Porter as well.

Bax MOVED to accept the amendment, Seconded by Ceretto:

Roll Call: Councilman Bax – Aye; Councilwoman Ceretto – Aye; Councilman Geiben – Aye; Councilman Morreale – Aye, Supervisor Broderick – Aye

Carried 5-0.

HIGHWAY SUPERINTENDENT:

Since the passing of Douglas Janese, Broderick said the department is running efficiently under Deputy Supt. Jeff Cosgrove. However, he said it is now time to move forward and appoint a Superintendent.

Morreale MOVED to appoint David Trane as interim Highway Superintendent effective June 1, 2016. Seconded by Bax and carried 5-0.

Morreale thanked the Board for putting party affiliation aside and putting the qualified person into the position.

SETTLEMENT AGREEMENT:

Atty. Seaman referred to an agreement of the Town, Teamsters and Town Employee in that the employee was appointed Bingo Inspector for which he received stipend pay, in addition to his full time duties as Dog Control Officer. Teamsters demanded that the Employee receive overtime pay for any hours exceeding 40 during a work week. The Settlement states the Employee shall be paid \$375.00 as a settlement of any and all claims or disputes regarding his wages since his appointment as Bingo Inspector.

Bax MOVED to authorize the Supervisor to sign the agreement. Seconded by Ceretto and carried 5-0.

TOPICS FOR WORK SESSION:

Geiben suggested specific topics be identified for discussion so that they can bring in expertise if need be. It would give the Board the opportunity to sink their teeth into the topic.

Before closing, the Supervisor said the next Board Meeting is scheduled for 5/23/2016, 6 PM; Historical Society: 5/10/2016, 6 PM; Environmental Commission: 5/10/2016, 7 PM; Zoning Board: 5/12/2016, 7 PM; Planning Board: 5/19/2016, 6:30 PM.

EXECUTIVE SESSION:

Broderick MOVED to enter into Executive Session re consultant with Attorneys. Seconded by Bax and carried 5-0. Time 7:15.

No Action taken.

Broderick MOVED to adjourn. Seconded by Ceretto and carried 5-0. Time 8:00 p.m.

Transcribed and
Respectfully submitted by:

Carole N. Schroeder
Deputy Town Clerk